

Oscaro El Hari, Bey
c/o WILLIAM OSCAR HARRIS
#40743050
FCI-THA
PO BOX 33
TERRE HAUTE, IN 47808

3 August, C.E.
FILED
2010 AUG 10
8:33
U.S. DISTRICT COURT
TERRE HAUTE DIVISION
AUG 9 - 2010
LAURA A. BRIGGS
CLERK

Laura A. Briggs, Clerk of Court
United States District Court
Southern District of Indiana
921 Ohio Street
Terre Haute, IN 47807

Via: U.S.P.S. Certified Mail No. 7009 1680 0001 8897 2844

Re: Third Party Intervenors' Continuing
Petition To Intervene Pursuant To
Federal Rules Of Civil Procedure,
Rule 19 (a)(1)(B)(i)(ii) and Rule
24 (a)(2) By Affidavit
Cause of Action No. 2:09-cv-00025-WTL-DML

Greetings Clerk of Court:

Enclosed herewith please find the above referenced Continuing Petition To Intervene in the cause of action indicated for filing. Upon your receipt, please file stamp the enclosed extra first page copy and return it in the self-addressed stamped envelope provided herewith for your convenience.

Thank you for your right hand in kindness and prompt attention to this matter. In peace and light, I am

Sincerely,

For 3rd Party Intervenors

by: *Oscaro El Hari, Bey*
Oscaro El Hari, Bey
3rd Party Intervenor

Enclosures
cc: Plaintiff
Defendants
file

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

SABRI BENKAHLA

PLAINTIFF

- vs -

FEDERAL BUREAU OF PRISONS, ET AL

DEFENDANTS

WILLIAM OSCAR HARRIS, ET AL

3RD PARTY INTERVENORS.

CAUSE OF ACTION NO. 2:09-cv-00025-WTL-DML
3RD PARTY INTERVENORS' CONTINUING PETITION
TO INTERVENE PURSUANT TO FEDERAL RULES OF
CIVIL PROCEDURE, RULE 19 (a)(1)(B)(i)(ii)
AND RULE 24 (a)(2) BY AFFIDAVIT
BY SPECIAL VISITATION

FILED COURT
DISTRICT DIVISION
AUG 10 AM 8:33
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE

STATE OF INDIANA

:

: Affirmed and signed.

COUNTY OF VIGO

:

Oscaro El Hari, Bey, Rex Russell Dean; Landers and Ralph William Taylor, in propria persona sui juris by special visitation as attorneys in fact for WILLIAM OSCAR HARRIS, REX RUSSELL DEAN LANDERS and RALPH WILLIAM TAYLOR, respectively, hereinafter Affiants, as 3rd Party Intervenor, having similarly situated common special interests, are of sound mind, good moral character, majority age and competent to testify to wit:

1. That, Intervenor, intervening as a matter of right, Continuing Petition To Intervene Pursuant To Federal Rules Of Civil Procedure (Fed.R.Civ.P.) Rule 19 (a)(1)(B)(i)(ii) and Rule 24 (a)(2), for cause as indicated herein below.

2. That, Plaintiff Benkahla's petition for dismissal of his claim has no bearing on Intervenor's claim nor continuance, claiming for remedy and relief as a matter of right, in light of the Court's Order for dismissal limited to Benkahla's cause and without prejudice to Intervenor's continuance.

3. That, Intervenor, Required Joinder Parties, claim with standing is so situated that disposing of the action in the Intervenor's absence may impair or impede Intervenor's ability to protect interest; or leave Intervenor subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations because of the [Intervenor's] interest.

4. That, all that is required in Intervenor's claim and the main action are that Intervenor have a question of law or fact in common.

5. That, the common factor in this instant matter is the operation of unlawful prison units known as Communication Management Units (CMUs) by Defendants.

6. That, Defendants contend Plaintiff's claims are different than that of Intervenor, while in fact Intervenor contend, in common with Plaintiff, the same for themselves, but also put forward other distinctly unique constitutional claims that the Plaintiff has not addressed.

7. That, these unique claims are brought to light in paragraphs 2,3,10,12,14, and 15 of the original Intervention Petition By Affidavit.

8. That, all Intervenor hold their discharge of all respective public obligations and

are not being released, but instead sequestered and secreted away in a CMU to prevent effective contact with officials and others to expedite and enforce past due liberty.

9. That, CMU overseers refuse to proffer the mandatory warrant/writ of commitment under hand and seal, both front and back, with executed return, nor the required foundational writ of habeas corpus ad prosequendum bringing Intervenor into CMU, nor judgment in a criminal case that has not been satisfied and discharged, in order to hold Intervenor.

10. That, these interests put forward by Intervenor are direct and immediate in character, wanting adjudication, and should not be delayed.

11. That, Defendants have failed to recognize Intervenor's unique and different claims spelled out in the original Petition, but instead obfuscate the very reality that Plaintiff and Intervenor certainly are not in identical situations.

12. That, Defendants claim for "hold[ing] a decision on Petition To Intervene in abeyance" is prejudiced to the common interests of Intervenor, as well as to the unique interests effected by those common interests, as Defendants are not in compliance with present rules, nor have Defendants come into compliance as a result of the Federal Register publication of 6 April, 2010.

13. That, Intervenor, contrary to Defendants' assertion, have exhausted remedies in support of claims set forth in this intervention through the BOP administrative remedies procedure process.

14. That, Intervenor meet all requirements for timely intervention in this present cause of action, and as a matter of right, in further interest of judicial economy, must be granted continuance of Intervenor's claims and such further as expedites Intervenor's claims in this action.

15. That, intervention of right is always construed liberally in favor of intervention.

In conclusion, Intervenor's Continuing Petition To Intervene, for above stated reasons, coupled with the Court allowing intervention to proceed should be granted, to effect the entry of judgment providing for Intervenor's remedy for injunctive relief as a matter of right.

VERIFICATION AND CERTIFICATION

As no notary public is available, the herein Affiants affirm and attest, upon their unlimited liability and understanding the pains and penalties of perjury re Defendants' 28 USC § 1746 (1), the statements made herein are of Affiants' own first hand knowledge, with verifying and certifying the contents to be correct, certain, complete and not misleading, as the truth, the whole truth, and nothing but the truth in accordance with Affiants' sincerely held spiritual convictions and creed. Additionally, Affiants reserve the right to amend this Affidavit to enable the truth to be ascertained.

Further, Affiants sayeth naught.

PROOF OF SERVICE

The Undersigneds certify that a true copy of the 3rd Party Intervenor's Continuing Petition To Intervene Pursuant To Federal Rules Of Civil Procedure, Rule 19 (a)(1)(B)(i)(ii) and Rule 24 (a)(2) By Affidavit was caused to be sent by first-class U.S.P.S. regular mail by placing such in the mail depository at FCI-THA, CMU, Terre Haute, Vigo County,

Indiana on the day and year last below written to the following persons:

For Plaintiff: David C. Fathi, Esq.
ACLU
7th Floor
915 15th Street, N.W.
Washington, D.C. 20005

For Defendants: Timothy M. Morrison
U.S. Attorney
Suite 2100
10 West Market Street
Indianapolis, IN 46204

Done, prepared, signed, and sent this 3rd day of August, Common Era 2010.

For: /s/
WILLIAM OSCAR HARRIS
40743050
FCI-THA
PO BOX 33
TERRE HAUTE, IN 47808

by: Oscaro El Hari, Bey
Oscaro El Hari, Bey
Affiant

For: /s/
REX RUSSELL DEAN LANDERS
05177046
FCI-THA
PO BOX 33
TERRE HAUTE, IN 47808

by: Rex Russell Dean Landers
Rex Russell Dean Landers
Affiant

For: /s/
RALPH WILLIAM TAYLOR
31628048
FCI-THA
PO BOX 33
TERRE HAUTE, IN 47808

by: Ralph William Taylor
Ralph William Taylor
Affiant

ACKNOWLEDGMENT

Affiants, in the presence of the herein below testes, hereon their signatures signed as acknowledgment of Affiants' signature, upon good evidence of identity and after Affiants having affirmed, attested, verified, and certified this Affidavit. Therefore, witness the testes' hands as signed on the day and year last above written.

Brian Carr
teste

Patricia Byers
teste

Mr. Aron Twitty
teste